

From: Mr and Mrs Knowles

Sent: 19 September 2024 08:54

To: Developmentmanagement@wiltshire.gov.uk

[<Developmentmanagement@wiltshire.gov.uk>](mailto:Developmentmanagement@wiltshire.gov.uk)

Subject: PL/2023/07503 Variation of conditions 5, 6, 7 of 15/11604/OUT - OBJECTION

OBJECTION

The applicant has not submitted clear documentation and plans to show what was previously approved, what has actually been built and why this was changed, and what is now proposed. This appears to be at best slapdash, but at worst obfuscation.

We have therefore reviewed all previously submitted drainage documentation in 15/11604/OUT and 17/12513/REM, in addition to the documentation that has recently been made available online.

As a result, we have re-considered our previous comments and object to this application for the following reasons:

1. The applicant failed to comply with condition 6 of 15/11604/OUT which stated that "*The development should not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.*" Nothing was constructed prior to the first occupations in February and March 2020. There has been no explanation as to why this was not complied with, nor why the council failed to ensure compliance.
 - a. the flow control chambers and drainage tanks in the north-west corner of the site were built between March and May 2021.
 - b. the main attenuation basin was dug out in July 2021.
 - c. the second attenuation basin was dug out after March 2022, 2 months after the final house was occupied.
 - d. the headwall and outfall under the tree was constructed in June 2022.
- 2.
3. The applicant's reason for not complying with the approved scheme is that it "followed further testing and design development" but has not provided evidence of this. Instead, the applicant has submitted an updated version of the Drainage Technical Note and plan to match what has been built. However, the Preliminary Drainage Layout 0654-PDL-101-H is not a true as-built drawing as it includes features that have not been constructed, or not constructed correctly, such as the bunding at the site entrance.

4. We have compared the approved Drainage Technical Note 0654 version D dated 07-02-18 and the submitted Drainage Technical Note 0654 version F dated 09-08-23, and there is no reference to any further testing on site since the approved version D. Instead, the applicant advised Wessex Water that the "*attenuation requirements are proving to be considerable*" and requested "*any increase on the 5l/s will be of great use to increase the viability of the scheme.*" This led Wessex Water to reluctantly agree to an increased storm water peak flow of 10l/s, despite being "*apprehensive to agree*" to this. This appears to be nothing more than the applicant trying to avoid its responsibilities and cutting corners to save money.
5. Point 3.17 has been amended to remove 1 attenuation basin and the geocellular soakaway from the approved scheme that the applicant's own drainage engineer designed, but that the applicant failed to construct in the southern corner of the site. There is no explanation for this change, other than to simply match what the applicant actually constructed. Has the capacity of the 2 remaining basins been confirmed to be 500m³, as required by the original approved scheme?
6. Does the reduction from 3 basins and a geocellular soakaway to 2 basins still offer "*a greater wetted perimeter*" to the arrangements from the former hospital site, as promised by the original approved scheme?
7. There has been no reason given why the land-drain and the headwall for the overflow were moved from the approved position. Although it is now proposed to move the headwall and overflow to higher up in the open space, and construct a new earthwork, will water flow uphill from the land drain's current position (shown in the yellow box in the image 'Extract 1' below)?

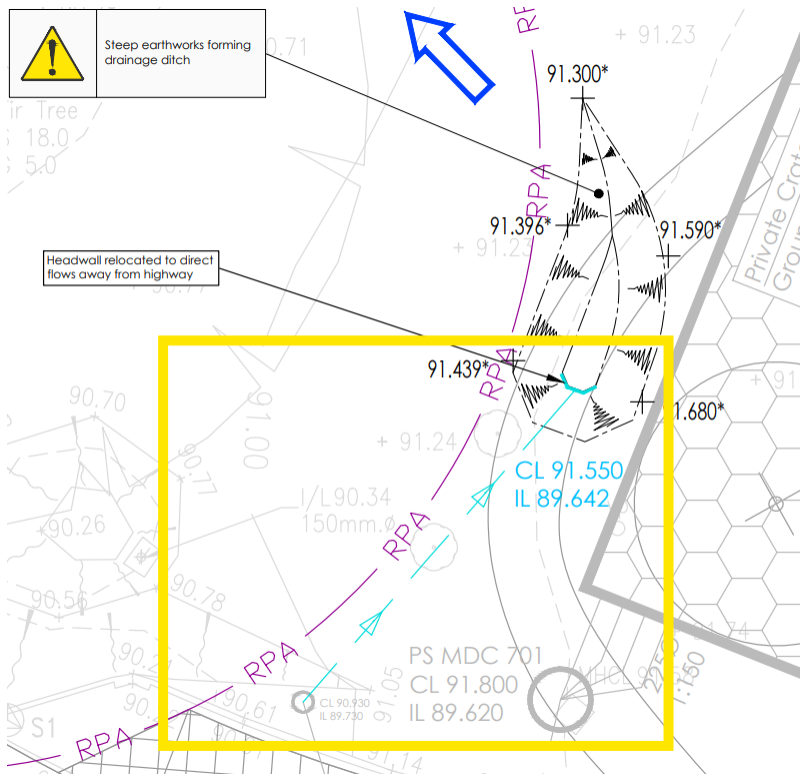


Image: Extract 1 - extract of Headwall Relocation Plan 0654-SK-301-B dated 12-08-24

8. Although the LLFA requested on 05-08-24 details for how the unlawful basin within the RPA of the protected cedar tree will be filled, the Headwall Relocation Note proposes leaving it as is. Although the land drain would no longer be flowing into this, it will still fill with water during lengthy periods of intense rainfall, and then overflow down the road. the side of this basin is also clearly washing away, which will risk further damage to the RPA.
9. The ground in the area around the public art bench, and the new earthwork detailed in the Headwall Relocation note and plan, is heavy clay and quickly becomes waterlogged after even short periods of heavy rain. Is this really suitable ground conditions for natural infiltration?
10. As the applicant has to re-build the headwall for the overflow, why are they not implementing the original approved scheme, by re-locating the land drain and headwall to the already approved positions (shown in the yellow box in the image 'Extract 2' below)? We assume this would also remove the need for new earthwork detailed in the Headwall Relocation note and plan.

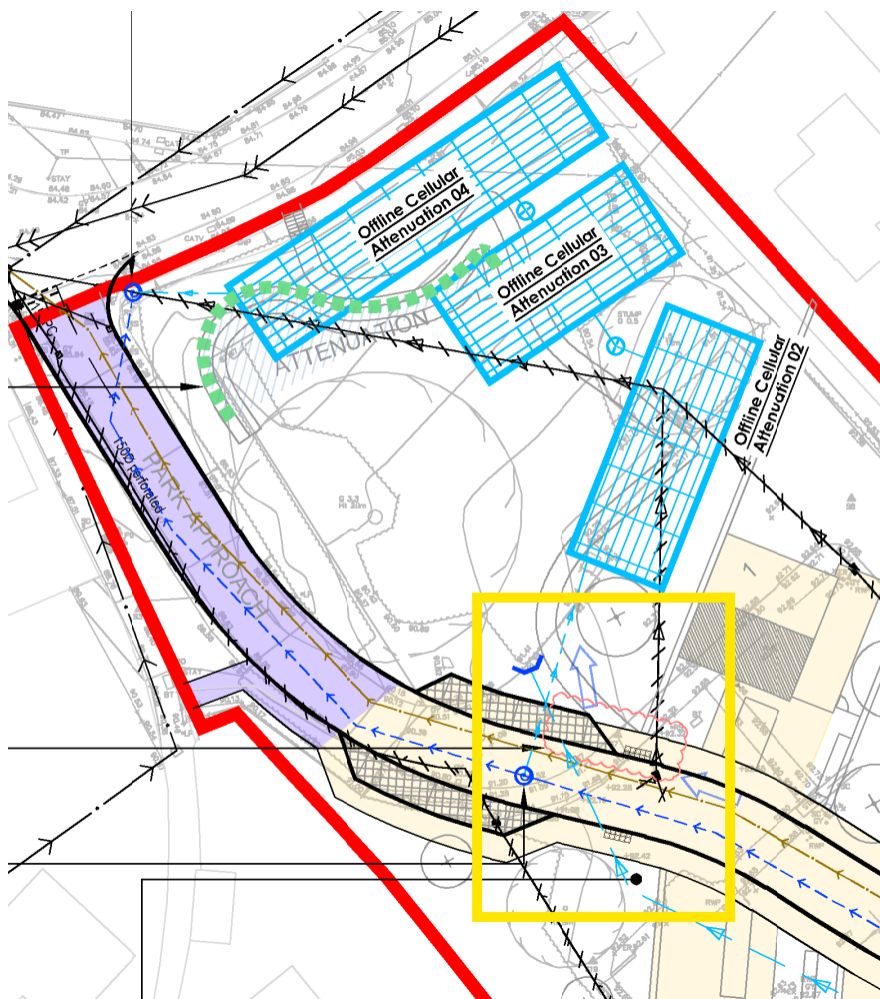
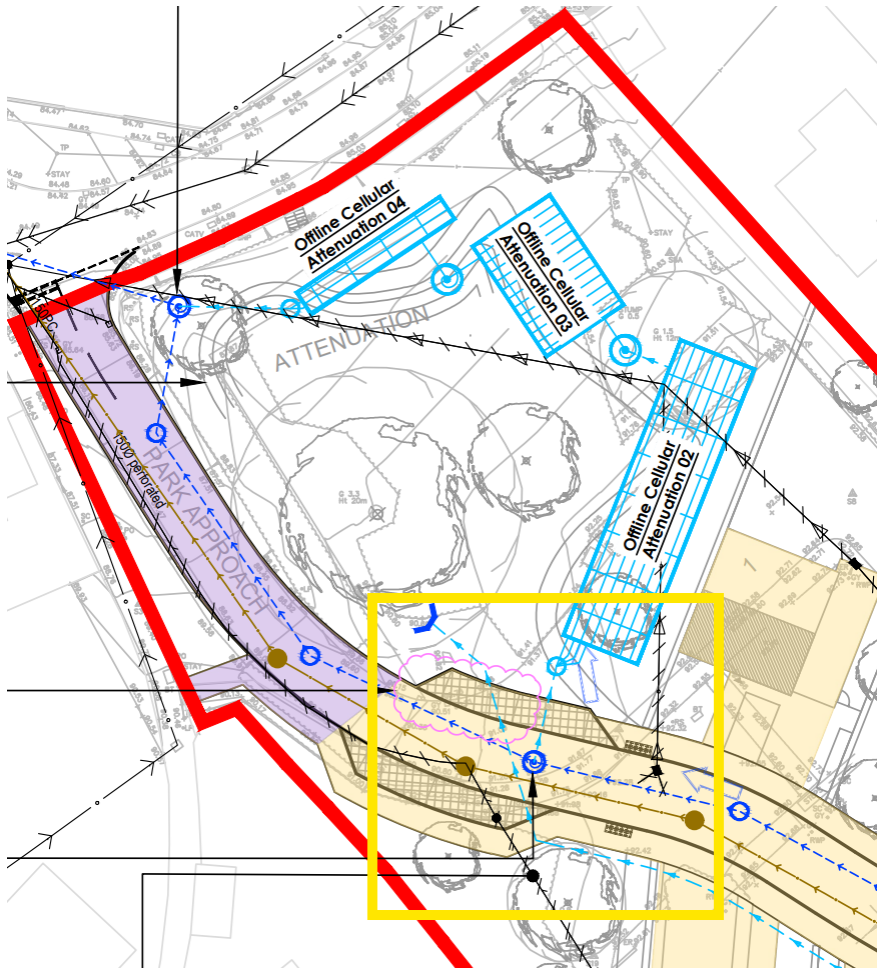


Image: Extract 2 -extract of approved plan Preliminary Drainage Layout plan reference 0654-PDL-101-D dated 07-02-18, taken from approved Drainage Technical Note 0654 version D dated 07-02-18.

11. The bunding at the site entrance, shown as green dotted lines on the image 'Extract 2' above, has not been built. Without this, the overflow from the land-drain will just run off the bank and onto highway at the Butts and then into the highway drains, albeit at a different point to currently.

12. During excavation for the geocellular soakaways there were mudslides that ran down into the Butts and Hospital Road. The re-constructed bank, which appeared to largely be done using clay, is already showing signs of cracking and seems to be starting to creep across the pavement. Anecdotally, we have been informed that the 1.2m high stone wall adjacent 4 The Butts was built by the hospital to help retain the bank there which had shown signs of collapsing. Was the re-construction of the bank properly monitored and has the stability of it been inspected and confirmed?

13. There has been no reason given why the "combined kerb and drainage system" that is intended to "take exceedance flows off the carriageway and into the open space in the north-west corner of the site" were moved from the approved position (shown within a red cloud-like outline in Extract 2 above) to the bottom of the visitor parking bay (shown within a pink cloud-like outline in the image 'Extract 3' below). Unless water flows uphill, this could never work. However, as the kerbs in the visitor bay look just like normal kerbs, has this even been built?



14. Image: Extract 3 - extract of submitted plan Preliminary Drainage Layout plan reference 0654-PDL-101-H dated 09-08-23, taken from submitted Drainage Technical Note 0654 version F dated 09-08-23.

15. There are several drain-covers marked either SW or FW in the open space area around the public art bench. What do these relate to, as there are no sewers in these locations?
16. The issues with the rain garden have not been addressed:
- a. no reason has been given for why the applicant did not construct the rain garden as per the approved plans.

- b. no as-built drawings have been supplied for the rain garden, as requested by the LLFA in their email response dated 18-12-23 and again in their written response dated 18-06-24.
 - c. the collapsing path between the rain garden and the play area has not been addressed.
 - d. the fencing of the rain garden from the play area, where there is a real risk of fall from height, has not been addressed.
 - e. the collapsing bank within the rain garden has not been addressed.
 - f. the lack of water in the rain garden has not been addressed - it appears to be completely unnecessary. Either that or there is something very wrong in the drainage calculations that indicated it was necessary.
- 17.
18. Although cross-sections of the main attenuation basin have been supplied, the plan Basin Cross Section Plan 0654-03-SK-1101-A appears to show that the banks of this basin will be made even steeper than currently. This has not been explained, nor have the issues with rain bursting out of the side of the bank and wearing away been addressed.
19. Although CIRIA guidance advise that screens are not necessary, this is assumed to be on the basis that regular inspections and maintenance take place. It is also assumed that this guidance is given on the basis that the drainage features are not treated as a play area, as currently happens on site in the rain garden because it does not have any water in it.
20. Condition 7 of the planning permission stipulated that the '*drainage systems are properly maintained*' and a Drainage Maintenance Plan was provided and approved in Appendix E of the Drainage Technical Note 0654 version D dated 07-02-18. We do not believe that the applicant has complied with this. They have not provided maintenance records as requested by the LLFA in their email response dated 18-12-23 and again in their written response dated 18-06-24.
21. Newer developments that are only just starting to be constructed elsewhere in Wiltshire have fencing around their attenuation basins, even though these are considerably less deep and less steep-sided. Why has fencing not been erected around the attenuation basins at Callaway Gardens?

The council has been negligent in failing to monitor the development and ensure that the applicant complied with approved conditions, and therefore also negligent in failing to pursue enforcement action for the many breaches of planning conditions on this site.

It is evident from comments in their consultation responses that the LLFA has failed to visit the site, and failed to compare the previously approved scheme to the current as-built and proposed scheme. In fact the LLFA specifically requested, in their written response dated 18-06-24, "*The applicant is to supply approved plans used for construction of the rain gardens, attenuation basins and the earthworks in the north-western part of the site, as well as as-built records so that these can be compared with what has been constructed. These should show exceedance flow routing.*" Without a site visit and inspection of these documents, the LLFA cannot fully discharge the duties of this role.

Failure to address the above points will not resolve the surface water and off-site drainage issues that currently cause flooding onto the highway and properties on Warminster Road. The council and LLFA would therefore be held responsible, and liable for all costs, relating to addressing these matters in the future if not resolved now.

The applicant should therefore submit the following documentation to address the above shortcomings:

- the approved Drainage Technical Note 0654 version D dated 07-02-18, and approved plan Preliminary Drainage Layout 0654-PDL-101-D dated 07-02-18.
- an updated Drainage Technical Note which includes details of what has changed from the approved version and why this was changed.
- updated drainage testing results to prove that what has been built and is now proposed will actually work.
- an updated Drainage Layout plan showing exactly what has been built on site, removing elements that do not exist, for example features that have not been constructed and trees that are not there.
- an updated Drainage Layout plan showing exactly what will now be built or changed.
- a document that clearly details everything that is now being proposed to be built or changed, to address all issues that have been identified with the current as-built drainage scheme.
- an explanation of why the banks of the main attenuation basin are being proposed to be made even steeper than currently.
- records of inspection and maintenance undertaken since construction of the surface water drainage features.

We would welcome the opportunity to meet on site the council's planning officer, enforcement officer and LLFA to point out the various short-comings on site.

We look forward to a full response addressing all the above points.

Regards

Mr and Mrs Knowles

1.